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ABSTRACT

The United States Office of Indian Education is requesting that all children who are served in the Indian Education Program prove their Indian ancestry with a roll number or Certificate Degree of Indian Blood (CDIB) card. This practice is discriminatory because (1) the Native American is the only ethnic group in the United States that must prove its ethnic background to participate in an education program at a public school; (2) ancestors of many Native Americans of the Five Tribes of Oklahoma were not part of the Dawes Commission enrollment (closed in 1906); (3) in 1924, the United States government made all Indians American citizens; and (4) there is no provision for the Native American who has been adopted. Most Oklahoma Indian families do not have the time, money, energy, and/or expertise to complete the complicated process of securing the CDIB card for their children to participate in an Indian Education Program at school that provides tutoring in the basic subjects. Meanwhile, an estimated one-third of Oklahoma children currently recognized as Native Americans do not have roll numbers or CDIB cards. Tribal agencies do not have the manpower or finances to provide applicants with the proper documentation. Problems of securing numbers/cards are even greater for urban Indians who do not know the system. (NEC)

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YOU ARE NOT AN INDIAN WITHOUT A ROLL NUMBER OR WHITE CARD

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Richard P. Williams and Pat Ross

ABSTRACT

Current regulations of the United States Office of Indian Education require all students who participate in Indian Education Programs prove the Indianness with a roll number or a C.D.I.B. white card. No other citizens, other than the Native Americans must carry a white card or have it photostated and be on record at a free public education school.

Historical records of The Five Eastern Tribes of Oklahoma show many Indians were not part of the Dawes Commission for enrollment which ended in 1906 because of broken treaties between U. S. Government and the Indian Nations and an embittered spirit of the Indians. Many Indians were not enrolled because they lived on the wrong side of the river in Arkansas, Texas, Kansas or Missouri. At the same time Black slaves who were not Native Americans were enrolled as freedmen. These blacks have white cards. They can participate in Indian Education Programs.

In 1924 the United States government made all Indians in America citizens. Today Native Americans and non-citizens must be registered to enjoy the freedom of the land. The Native American Indian must register with the Indian tribal headquarters and the non-citizens with the Office of Immigration. The problems of registration are overwhelming and time consuming for a Harvard professor who knows the system. The problems are greater for the Indian that moved away from the tribal to a metropolitan community and does not know the system..

YOU ARE NOT AN INDIAN WITHOUT A ROLL NUMBER OR WHITE CARD

Richard P. Williams and Pat Ross

The U. S. Office of Indian Education is requesting that all children who are served in the Indian Education program complete an OE Form 506. This form is discriminatory in several ways. First, the Native American Indian is the only ethnic group that must prove its ethnic background in the United States to participate in an education program at a public school. Second, Part 1 of the OE Form 506 states that the natural parent ancestor first degree, the natural grandparent ancestor second degree. The Dawes Commission closed tribal rolls in 1906.(1) School age children whose grandparents were born after 1906 are not eligible unless a C.D.I.B. (Certificate Degree of Indian Blood) card has been secured. This means if the grandparent is over eighty years old you can get the number, if the grandparent is on the tribal roll. If the grandparent is under eighty the roll numbers are not valid because the natural grandparent ancestor third degree is not eligible. Third, there are many native Americans of the Five Tribes of Oklahoma whose ancestors were not part of the Dawes Commission enrollment. Fourth, there is no provision for the native American who has been adopted.

When Congress passed the Indian Education Bill it was Congress that attached the requirement of tribal identification and proof of tribal citizenship as a requirement for receiving funds. Congress calls it an entitlement grant. The money must go to the Indians. It would be impossible to interview a United States Representative or Senator that would want to discriminate against an American citizen in any manner. However, in following the traditions, precedent, and political structures of the past, the United States government has broken the treaties with the Indian Nations and is continuing to treat them as second class citizens---a very discriminatory act. No other citizens, other than the native Americans, must carry a white card or have it photostated and be on record at a U. S. free public education school.

The 506 form is a problem across the United States and a real concern in the State of Oklahoma. The state of Oklahoma is divided by two telephone area codes, one area code represents the territory allotted to the tribes of Western Oklahoma and the other area code represents the territory allotted to the Eastern Tribes. The Five Tribes of Eastern Oklahoma migrated to Oklahoma to an area called "Indian Territory" through a process that extended over a twenty year period.[2] The Seminoles were driven from Florida while the Cherokees came from North Carolina, Georgia, Tennessee and Alabama on what was referred to as The Trail of

Tears. The Chickasaws and the Choctaws came from Mississippi and Alabama while the Creeks migration was complicated by warfare since some of the bands resisted the process of removal from Alabama and Georgia. Like the Cherokees who suffered over the Trail of Tears losing many infants and elderly along The Trail - the Creeks also suffered bitterly because of the controversy within the tribe over their removal. We must remember these Five Tribes were promised The Indian Territory in Oklahoma.

The Western Tribes had already inhabited the plains of Oklahoma. The U. S. Government did not offer the Western Tribes land. The government just controlled them with their military forces. The Western Tribes had little, if any, reason to keep accurate records of membership. They had little money and no rewards for their clerical efforts.

Treaties were established with the Five Tribes between 1816 and 1828.[3] In 1889 Congress decided to open the Indian Territory of Oklahoma to the non-Indians for homesteads.[4] The settlers moved on this Indian land. What had been given to the Five Tribes was taken away. It is important to remember the attitude of the Indian toward the U. S. Government was affected by the extreme brutality, the bitter suffering of the migration of these tribes to the new territory and the inconsistency of the politics of Washington. In 1906 Congress decided that the Dawes Commission

rolls would be closed for Indian citizenship. Each member of the five Indian tribes were to register with the commission and receive a roll number and an allotment of eighty acres of land.[5].

An Indian would go to the Commission, give them his name, his previous residence and his current residence and he was given a roll number. Those Indians who were embittered against the white man's ways refused to enroll, however, they were still native Americans. Those Indians who lived on the "other side of the river" the Arkansas River or the Red River could not be registered. Only Indians who lived in Indian Territory of Oklahoma were given roll numbers.

The United States Government was attempting to control the tribes and where they lived. Psychologically they referred to them as The Five Civilized Tribes in an attempt to give them a role model as being peaceful Indians. We have heard before about the individual who did not have rights because he lives on the "wrong side of the river" or the "wrong side of the tracks". This information is not new. It is documented in the archives, in manuscripts of the Oklahoma Historical Society and in the records of the Smithsonian. The current tribal registrar of the Cherokee Nation, Mrs. Dora Mae Watie, stated in an open letter, March, 1984:

settled in the states of Kansas, Missouri, Arkansas and Texas whose blood degree cannot be certified and who cannot qualify for membership in the Cherokee Nation. Unfortunately, their ancestors had separated from their Tribe and were not named on the 1906 final roll of the Cherokee Nation. These persons descended from Cherokee Indians who separated from their tribe and did not maintain tribal affiliation and cannot be certified. Only enrolled members of Cherokee Indians named on the 1906 final roll and their descendants are furnished a Certificate Degree of Indian Blood.

The state of Oklahoma, as other states, has many descendants from the Five Tribes who did not participate in the Dawes Commission enrollment. These native Americans who were forced, by a government that did not understand them, to move from their home lands to a new land, developed an embitterness that lingers today with many native Americans. Eighty acres of land was given as the bribe for enrollment and to remove the guilt for permitting homesteading of the Indian Territory. All Five Tribes, except the Chickasaws, enrolled the Black slaves they brought with them from the South as tribal citizens(6). They were enrolled as Freedmen, while not being native Americans, they were made

citizens of the tribe by the Dawes Commission and the Tribal Council. There are many residents in the state of Oklahoma who carry a C.D.I.B. card stamped Freedman because they are citizens of the Tribe, however they are not Native Americans. The black freedman with C.D.I.B. card can be served in the Indian Education Program.

The United States government decided in 1924 to make the Indians in the United States citizens of the U. S.[4] This did not make it popular to be an Indian. When inter-marriages took place between Indian and non-Indians those individuals had a difficult time being accepted by full bloods of the tribe and by the non-Indian community.

The Oklahoma Indian has been forced to integrate with the non-Indian society. There are no Indian reservations in Oklahoma. Many individuals of Indian descent have been reluctant to establish ties with an Indian tribe because of the discrimination in jobs, in purchasing property and status of the community. While a large number of partial Indian descendants moved quietly through the white man's community, tribal cultures, teachings and beliefs have been maintained by the full bloods and tribal leaders. Even through the 1960's and 1970's it was very unpopular in the state of Oklahoma to claim to be an Indian.

The Bilingual Education Program is available to all students who are enrolled in public school, even if those were not an American citizen. The Courts require public schools to educate all children who live in their district regardless of citizenship. However the native American must prove their Indianness. The Emergency School Aid Act monies that were used to assist schools in integration never asked the student or their parent to prove their ethnic background. Can the Native American people be free? In 1924, did the government really make them citizens of the United States or does the Office of Indian Education want to continue to treat them as foreigners?? The U. S. Government requires non-citizens to register with the immigration office and now they are requiring the American Indian to register on Tribal Rolls or be recognized by the Tribe. Is this really happening in America? The Land of the Free!!!

It is not difficult to secure a C.D.I.B. card for children of parents who are full-blood, live close to the Tribal Headquarters and understand the current politics of the Tribe. However, when an Indian has moved away from the Tribe, does not understand the current politics, the process of obtaining a C.D.I.B. card can become a very long and drawn out process. A Harvard professor who became the Director of Indian Education in the Office of Education, Frank Ryan, said it took him over two years to obtain a C.D.I.B. card. When Riley Simmons counselor for Assistant

Secretary of Education Davenport was in the state of Oklahoma for a conference Spring 1986 concerning this problem, an Indian lady from Idabel, Oklahoma, asked Mr. Simmons before the group if he considered her an Indian? His response was "I most certainly do." She said it took her seven years to verify her Indianness. If this were the case, a child could be through two-thirds of his public school education program before being verified as an Indian.

The Oklahoma Historical Society reported April 29, 1986, that the testimony that was presented at the time the Dawes Commission rolls were taken is in the process of being filmed in Fort Worth. The Historical Society has some of this film for the Cherokee and Choctaw Tribes and when Fort Worth completes these two tribes, it will then continue with the remaining three tribes, the Creek, the Chickasaw, and the Seminole. Sometimes the testimony of these files contain added valuable family information in tracing Indian ancestors. It is difficult to complete family tree lineage without complete files and available documentation for the applicants.

Most Oklahoma Indian families do not have the time, money, energy and/or the expertise to complete the complicated process of securing a C.D.I.B. card for their children to participate in an Indian Education Program at school that provides tutoring in the

basic subjects. To secure a C.D.I.B. card the first step is to complete a family tree, tracing the lineage from the child to the individual whose name appears on the original tribal roll. This process is not always easy and it is complicated when the Indian moves into a metropolitan area. An example, a non-Indian woman marries a full-blood, has a son, the son is fifty percent Indian, the parents divorce, the mother remarries a non-Indian. In Oklahoma, if she contacts her ex-husband there might be a shooting, therefore, no effort is made to secure a C.D.I.B. white card to participate in the school program called Indian Education. The process is also complicated when a child is born out-of-wedlock. Questions related to family trees and lineage become an embarrassment. Are these children citizens of the United States? Yes, but truly second class citizens. If they do not have a white card--they cannot participate. When the family lineage is traced, it is at that point that birth certificates, marriage licenses and death certificates must all be secured and documented before sending the application to the Tribal Agencies for verification. Maiden names must be established for women, any change of name must have full documentation and be notarized. For example, if a woman's name was Mary Patricia and she went by Patricia and Patricia appeared on a document without Mary, someone her age would have to verify with a notary this is one and the same person. This is almost impossible and very time consuming when possible for an individual who has moved any distance from the Tribal Agency.

To register all of the native American children in Oklahoma would provide a great burden upon the Tribal Agencies financially, and in man power. It is estimated that possibly one-third of the children currently recognized as native Americans do not have roll numbers or C.D.I.B. cards in the state of Oklahoma. The State Department of Education of Oklahoma reports there are approximately 34,000 Cherokee children in Oklahoma Schools. If one-third of these children or 11,000 need to be registered with the Cherokee Tribe, their Tribal Agency is currently understaffed to handle this burden. Many of the difficult cases will simply be stamped, "roll numbers not available for these individuals", because of an overworked staff, a frustrated staff or general complacency. The burden of proof remains with the applicant.

Tribal Agencies, not only in Oklahoma, but across the United States are concerned about large populations away from Tribal Headquarters. When the Tribal Headquarters cannot provide services for their people there is always a fear a new band of the Tribe will be formed. This weakens the power of the Mother Tribe. Metropolitan communities such as Oklahoma City, Los Angeles, San Diego and Minneapolis have similar problems securing tribal registration or C.D.I.B. cards for their children. Being a member of an Indian Nation is different than being a member of a club or organization where you pay your dues and you receive a

membership card. Becoming a member of a Tribal nation means following the guidelines that the Indian Agency has established.

When an Indian child is adopted the school is to request the child's parents get documentation from the adoptive agency that the child is Indian. This process is embarrassing in that many children do not know they are adopted or illegitimate. Their brothers and sisters do not know they are adopted and their parents do not want them to know. When the school request from parents the name of the adoption agency and ask them to contact the agency many fears arise in the minds of the parents and the general response is "I don't think I want to do that." Are these children U. S. Citizens?? ... first or second class citizens??

The pendulum of eligibility is about to make the complete swing from the ridiculous to the ridiculous. When the Indian Education Program was first introduced teachers went to the classrooms and asked the children "How many of you are Indians?" When no one raised his hand, another question was asked, "How many of you have ever heard your parents say that you are part Indian?" A few hands went up. We are going to form an Indian band and have a concert, if you are an Indian, you can play in the band, some more hands went up. If we have a good concert everyone in the band will get an ice cream cone. Now everybody is an Indian.

That was the first Indian count in many states and that was ridiculous.

The Office of Indian Education has not been consistent with who is an Indian. At this point, after doing an extensive study of how to define an Indian, the Office of Indian Education is still at a loss. In order to pass the buck, they are requesting that the tribes determine who their members are. The Indian nations are independent, soverign, and self-governing agencies. Because they have chosen to use the C.D.I.B. card for enrollment, this should have nothing to do with school practices and the funding of Indian Education Programs in the United States of America. Requiring Indians to carry white cards or have them on record at the school is also ridiculous if the Indians are citizens of the United States.

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